INFORMATION LETTER

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SUGGESTED DEFINITIONS FOR CANNED PEACHES PUBLISHED

Presiding Officer of Hearings Held in April and May Files Report with Secretary

The report of John McDill Fox, presiding officer of public hearings held in April and May to receive evidence upon the basis of which the Secretary of Agriculture could promulgate regulations under the Federal Food, Drug, and Cosmetic Act relative to canned peaches, was published September 7 in the *Federal Register*. The report consists of (1) a general statement relative to the public hearings held and testimony introduced; (2) the suggested findings of the presiding officer based on the evidence in the record; (3) a suggested conclusion in the form of a regulation; and (4) notice of time within which to file objections.

The notice of time in which to file objections states that those interested persons who desire to file objections may, within ten days after the receipt of the *Federal Register* containing this report, submit their objections in writing to the Hearing Clerk, Office of the Solicitor, Department of Agriculture, Washington, D. C. Reference must be made in these objections to the relevant pages of the transcript of evidence.

The public hearings on the definition and standard of identity for canned peaches opened in Washington, April 10, 1939, were adjourned until May 1, and resumed on that date. The hearings were concluded May 2.

The suggested findings and suggested conclusion in the form of a regulation are reproduced below:

SUGGESTED FINDINGS

1. Canned peaches are prepared from mature peaches. (R. pp. 31, 47, 93.)

2. Such peaches are of one of the following varietal groups: yellow clingstone, yellow freestone, white clingstone, white freestone. (R. pp. 29, 30, 47, 48, 91, 93.)

3. Peaches of different varietal groups are not canned together. (R. p. 30.)

4. Peaches of each such varietal group are an optional peach ingredient. (R. pp. 35, 48, 91, 93.)

5. The word "free" is used synonymously with the word "freestone", and the word "cling" is used synonymously with the word "clingstone" to designate the varietal group. (R. pp. 118, 119.)

6. Such peaches are prepared in one of the following forms of units: unpeeled whole, unpeeled halves, peeled whole, peeled halves, peeled quarters, peeled slices, peeled dice, and peeled mixed pieces of irregular sizes and shapes. (R. pp. 31, 48, 92, 115, 127.) Such forms of units are never mixed in canning. (R. pp. 31, 92.) Peaches of each such forms of units are an optional peach ingredient. (R. pp. 31, 48.)

7. Such peaches, except in the case of whole peaches, are pitted. (R. pp. 31, 48, 92, 93.)

8. Canned peaches contain a suitable liquid packing medium. (R. pp. 29, 35, 36, 92.) It may be the natural juice of the peach obtained by precooking the peaches so that such juice exudes, or it may be an added liquid. (R. pp. 36, 48, 92.)

9. Water is a suitable liquid packing medium. (R. pp. 36, 48, 92, 120, 121, 125, 135.)

10. The natural juice of the peach is a suitable liquid packing medium. (R. pp. 48, 116, 128, 138, 139.)

11. A water solution of sugar is a suitable liquid packing medium. (R. pp. 37, 38, 48, 53, 92, 156, 183, 214.)

12. Sugar is defined in Webster's International Dictionary on page 2521 thereof (Other Interested Parties' Exhibit No. 4) as:

"1. A sweet crystallizable substance, colorless or white when pure, occurring in many plant juices, and forming an

(Continued on page 5970)

Secretary Gorrell Returns from England

His vacation trip abroad cut short by the outbreak of war, Secretary Frank E. Gorrell returned from England on the American liner *Manhattan*, arriving at New York on Thursday morning, September 7. The Cunard liner *Mauretania*, on which he was scheduled to sail from Southampton on September 8, was requisitioned by the British government, and Mr. Gorrell was fortunate in securing passage on an American boat sailing at an earlier date.

WAR IMPORT RESTRICTIONS

United Kingdom and France Inaugurate Import Licenses—British Exchange Permits Required

This week the governments of the United Kingdom and France inaugurated restrictions of imports from other countries in order to conserve foreign exchange for necessities, to procure the urgent war requirements of these two countries, and to save shipping space. In addition, the United Kingdom requires importers to secure exchange permits before goods can be received into that country, even though import licenses already had been granted.

Great Britain has issued a list of products, which covers practically all imports, and now requires British importers to secure licenses for such products. The restrictions also apply to parcel post shipments. The government also has announced a list of products for which no licenses will be issued until further notice, including canned sausages and canned crab, lobster, and oysters. However, shipments on their way to the United Kingdom, even from interior points, before September 5, will not require import licenses.

Imports into France and Algeria of all foreign merchandise, except gold, have been made subject to import license, and firms in France desiring to import foreign merchandise

must first secure licenses. Goods shipped prior to September 2, or merchandise that had not been made subject to quota control or import prohibition before that date, may be admitted as usual.

American exporters have been urged by the Department of Commerce to have assurance from their consignees in these two countries that licenses and British exchange permits are in hand before shipments leave the United States. Failure to comply with these wartime measures, the Department of Commerce warns, may result in serious loss, as there is no assurance that unlicensed shipments can be returned to the United States, or that payment for the goods can be obtained.

The agricultural products made subject thus far to license control in the United Kingdom are certain foodstuffs designated in the "luxury" class. In this category are included fresh fruit (other than apples, pears, bananas, and citrus fruits); honey; nuts used as fruit; canned vegetables (other than tomatoes); fresh vegetables (other than potatoes, tomatoes, and onions); fruit juices; hops; shellfish, including oysters; meat extracts and essences; and licorice. A long list of nonagricultural products was made subject to the licensing requirements, and covers practically all of the usual imports.

The allocation of licenses to British firms, at present, will be on the basis of the trade of each importer during the year ended August 31, 1939. However, until further notice, no import licenses will be issued for the following food products: poultry and meat pastes; poultry liver (except raw liver) whether mixed or not; sausages, tinned, canned or otherwise preserved, and meat pies; biscuits; caviar; crab, lobsters, oysters, canned or otherwise preserved; confectionery of all kinds and fruit, crystallized, glace or metz, drained or otherwise preserved (including candied peel and ginger), hops, hop oil, and extracts, or other similar preparations made from hops; vegetables, dried, other than peas, beans, and lentils.

Cuban Prohibition of Price Increases Abrogated

The Cuban decree, which prohibited increases in foodstuffs prices above the July 1, 1939, level without prior authorization, has been abrogated under date of August 1, according to the American commercial attache at Habana. Removal of the former restrictions has been well received, especially by Cuban importers of foodstuffs who had found their operations handicapped by the provisions of the earlier decree. It is felt that by removing the former restrictions, the import trade in foodstuffs will rapidly return to normal.

Wages for Fertilizer Manufacture Employees

The following minimum wage rates to be applicable to employees engaged on contracts with the Federal government for the manufacture or supply of fertilizer will become effective September 12 under a determination issued by the Secretary of Labor on September 2. The determination was issued pursuant to the Walsh-Healey Government Contracts Act.

For the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware (except Kent and Sussex Counties), Maryland (except the Eastern Shore), West Virginia, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, and the District of Columbia, 40 cents an hour, or $16.00 per week of forty hours.

For the States of New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington, 50 cents an hour, or $20.00 per week of forty hours.

For Kent and Sussex Counties of Delaware, the Eastern Shore of Maryland, Virginia, Tennessee, and Kentucky, 30 cents an hour, or $12.00 per week of forty hours.

For the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas, 25 cents an hour, or $10.00 per week of forty hours.

Association Files Brief on Vegetables

The Association has filed with the Department of Agriculture a brief on the suggested findings of fact and the proposed regulations for canned vegetables that were contained in the report of the presiding officer at the hearings held April 24-26. These suggested findings and proposed regulations were published in the August 15th issue of the *Federal Register*, and in the August 16th issue of the INFORMATION LETTER.

This brief embodies such objections to the suggested findings and regulations as were generally agreed upon by canners of the products concerned. The brief likewise suggests the changes in the proposed regulations that are necessary to meet the canners' objections.

IMPORTS OF SUGAR FOR CONSUMPTION

Receipts During July by Countries of Origin and Ports of Entry

Total receipts of sugar for consumption into the United States during July amounted to 976,275,795 pounds, compared with 882,174,592 pounds during June, according to Department of Commerce figures. These totals include all dutiable and free sugar imports, both raw and refined.

In the following table, compiled from a special report of the Department of Commerce, are shown the imports during June of dutiable and free sugar, and receipts of sugar in the United States from non-contiguous territories.

Origin	Raw		Refined	
	Dutiable	Free	Dutiable	Free
	Pounds	*Pounds*	*Pounds*	*Pounds*
Foreign countries:				
Cuba	388,078,823	.....	73,588,915	6,100
Canada	124	.....	.....	.....
Dominican Republic	172,500	.....	15,000	.....
Haiti	23,000	.....	156,500	.....
Philippine Islands	3,188,933	238,484,675	3,487,500	.....
Peru	1,120,061	.....	.....	.....
China	7,432	.....	.....	.....
Hong Kong	1,100	.....	.....	.....
United Kingdom	.....	.....	.....	46,907
Guatemala	.....	.....	.....	3,555
Total	392,591,973	238,484,675	77,247,915	56,562
U. S. Territories:				
Hawaii	.....	158,332,095	.....	2,400,000
Puerto Rico	.....	100,947,575	.....	6,215,000
Total receipts	392,591,973	497,764,345	77,247,915	8,671,562

The table below shows the imports for consumption of raw and refined sugar, by ports of entry. These figures include imports for direct consumption and withdrawals from bonded warehouses within the United States. Sugar brought into a United States port during a month in excess of a country's quota usually is held in bond until a later date when it is released for sale under the quota applying to the importing country's sugar for that month. That portion of the sugar brought into United States ports and stored in bonded warehouses is not included in "imports for consumption" figures, shown in the preceding table, until the sugar is released for sale.

Port of entry	Raw		Refined	
	Dutiable	Free	Dutiable	Free
	Pounds	*Pounds*	*Pounds*	*Pounds*
Massachusetts	48,736,237	9,321,844	263,672	.....
Buffalo	.....	.....	1,000,000	.....
New York	49,463,455	101,985,082	22,147,925	44,000
Philadelphia	55,835,704	64,485,571	3,200,000	.....
Maryland	34,689,145	22,319,361	10,310,088	.....
Virginia	2,678,794	.....	8,281,171	.....
North Carolina	65,638	.....	7,071,843	.....
South Carolina	.....	.....	6,007,300	.....
Georgia	35,855,508	13,386,231	.....	.....
Florida	.....	.....	7,566,246	.....
Mobile	.....	.....	3,500,000	6,100
New Orleans	130,039,804	23,506,360	1,940,000	.....
Galveston	32,981,681	3,359,946	.....	.....
Los Angeles	.....	70,000	2,250,000	3,555
San Francisco	1,358,961	.....	.....	2,907
Oregon	.....	49,380	.....	.....
Washington	600,000	.....	1,237,500	.....
Chicago	1,332	.....	.....	.....
Michigan	124	.....	2,300,670	.....
Virgin Islands	195,500	.....	171,500	.....
Total	392,591,973	238,484,675	77,247,915	56,562

1939 Pack of Green Peas

The total 1939 pack of green peas amounts to 16,327,772 actual cases, compared with 25,430,315 cases in 1938, and 23,376,056 cases in 1937, according to figures compiled by the Association's Division of Statistics. The total pack of Alaskas amounts to 5,649,803 cases, and the pack of Sweets is 10,677,969 cases.

This report of the 1939 pack of peas is based on actual reports of canners' packs, together with estimates for those canners not reporting. The estimates included in this report are as follows: Middle Atlantic, 12 canners, estimated pack of 49,000 cases Alaskas; Wisconsin, 4 canners, 108,000 cases Alaskas, and 20,000 cases Sweets; West, 3 canners, 17,000 cases Alaskas, and 65,000 cases Sweets.

In the following table are shown the 1937, 1938, and 1939 pack of peas by States:

State	1937	1938	1939
	Cases	*Cases*	*Cases*
Maine	259,288	172,006	152,426
New York	1,730,761	2,415,729	1,359,848
Maryland	1,847,328	1,694,118	824,097
Delaware and New Jersey	256,366	161,204	67,537
Pennsylvania	537,743	607,197	220,769
Ohio	430,865	298,300	211,467
Indiana	823,737	567,232	326,758
Illinois	1,112,298	1,014,298	1,059,745
Michigan	889,379	932,162	441,168
Wisconsin	6,972,431	8,976,778	4,600,430
Minnesota	1,595,142	1,691,599	1,472,239
Montana	275,892	143,481	134,020
Idaho and Utah	1,750,873	1,992,416	1,044,740
Washington and Oregon	3,558,683	3,574,137	3,389,560
California	280,784	239,752	287,574
Other States	1,054,486	949,906	735,394
Total	23,376,056	25,430,315	16,327,772

The following tables show the 1939 pack by can sizes and States:

ALASKAS

State	24/2	48/8Z	48/1	24/303	6/10	Total
	Cases	*Cases*	*Cases*	*Cases*	*Cases*	*Cases*
Maine	.....	.....	.....	.....	.....	.....
New York	62,038	3,525	23,387	7,791	12,686	112,180
Maryland	664,232	11,509	17,475	12,121	63,394	769,378
Del. and N. J.	52,612	.....	4,517	.....	7,464	64,593
Pennsylvania	118,329	.....	.....	2,744	9,259	130,332
Ohio	142,081	.....	767	4,293	3,554	150,695
Indiana	249,507	.....	17,054	36,629	9,900	313,090
Illinois	232,652	.....	32,593	1,377	6,385	273,007
Michigan	138,258	.....	4,453	.....	5,464	148,175
Wisconsin	2,070,015	32,888	219,440	176,379	277,792	2,776,514
Minnesota	178,541	19,737	21,824	83,483	26,781	330,366
Montana	.....	.....	.....	.....	.....	.....
Idaho-Utah	14,000	.....	.....	.....	3,000	17,000
Wash.-Oregon	11,342	2,552	.....	62,776	2,123	78,793
California	.....	.....	.....	.....	.....	.....
Other States	379,480	.....	32,180	36,595	29,905	485,680
Total	4,313,087	70,211	373,690	424,188	457,707	a5,649,803

SWEETS

State						
Maine	137,614	.....	4,050	.....	10,762	152,426
New York	884,121	65,477	124,474	30,810	100,573	1,247,668
Maryland	31,342	6,086	551	6,931	9,666	54,719
Del.-N. J.	2,944	.....	.....	.....	.....	2,944
Pennsylvania	68,894	.....	.....	6,538	15,005	90,437
Ohio	52,736	.....	1,669	1,899	4,468	60,772
Indiana	13,668	.....	.....	.....	.....	13,668
Illinois	567,675	43,387	30,030	140,110	5,536	786,738
Michigan	272,605	.....	10,292	.....	10,096	292,993
Wisconsin	1,032,487	11,907	90,202	573,363	86,118	1,823,916
Minnesota	413,421	36,749	33,504	609,297	44,464	1,141,873
Montana	99,437	.....	2,560	29,514	2,509	134,020
Idaho-Utah	651,122	13,897	119,148	153,259	72,496	1,027,740
Wash.-Oregon	1,621,291	44,640	141,341	1,301,066	179,400	3,310,767
California	209,811	16,822	.....	.....	49,820	287,574
Other States	160,451	.....	28,318	50,428	10,517	249,714
Total	6,219,619	238,965	586,139	2,903,215	601,430	b10,677,969

a This total includes 10,920 cases of miscellaneous sizes.
b This total includes 128,601 cases of miscellaneous sizes.

"The Canned Foods Cook Book"

Devoted to the art of turning time-saving canned foods into culinary delights, "The Canned Foods Cook Book," by Virginia Porter and Esther Latzke, this interestingly written book also contains worthwhile information on buying guides, can charts, nutritive values, menu patterns, and emergency shelf supplies. It is designed for inexperienced cooks, women who want to serve excellent meals in a minimum time, and women who work and have need of quickly prepared meals.

Six recipes included in the book are taken from the leaflet of the Association's Service Kitchen, "Every Day Recipes for Canned Foods", which was the first in the series of publications containing recipes developed by the Kitchen.

The book is published by Doubleday Doran of New York City. Miss Porter has had experience in promoting the use of canned foods through her work as home economist with Libby, McNeill & Libby. Miss Latzke has served several years as home economist for Armour's.

1938 OUTPUT OF FISH CANNERIES

Statistical Bulletin Issued by Bureau of Fisheries Shows Amount and Value

The output of canned fishery products and byproducts in the United States and Alaska in 1938 was valued at $113,861,135, compared with an estimated value of $141,710,374 in 1937, according to figures just issued by the Bureau of Fisheries in a statistical bulletin. Of the total amount, the value of the fishery products was $83,300,312 in 1938 (16,969,402 standard cases), compared with $104,937,631 in 1937 (19,468,049 standard cases).

In the table below are shown the output and value of canned products in standard cases, together with the number of plants engaged in processing the various items:

Product	Number of plants	Standard cases	Value
Salmon:			
United States	27	472,721	$5,728,892
Alaska	98	6,806,998	36,636,897
Sardines:			
Maine	25	671,635	2,367,045
California	31	2,261,678	7,102,358
Tuna and tunalike fishes	20	2,754,143	15,183,636
Mackerel	24	965,629	2,896,220
Alewives	10	52,826	143,558
Alewife roe	29	37,641	165,711
Shad	8	10,845	29,950
Shad roe	10	3,015	95,909
Cat and dog food	9	413,434	888,399
Fish flakes	4	45,721	291,426
Finnan haddie	3	488	7,518
Fish cakes, balls, etc.	6	97,263	665,307
Fish paste	3	3,987	143,147
Sturgeon caviar	4	2,491	307,298
Whitefish roe and caviar	5	1,032	36,478
Salmon roe and caviar (for food)	4	1,563	28,077
Salmon eggs (for bait)	8	4,656	85,348
Miscellaneous fish and roe	8	19,792	182,729
Clam products	58	755,874	3,129,736
Oysters	47	467,155	1,831,446
Shrimp	50	1,072,636	4,854,574
Crabs	19	13,508	258,375
Turtle products	3	7,124	78,895
Miscellaneous shellfish, etc	13	25,527	161,383
Total	376	16,969,402	83,300,312

The following table shows the value of the canned fishery products and byproducts by States:

State	Canned products	Byproducts	Total
Maine	$3,295,197	$340,029	$3,635,226
Massachusetts	1,354,127	2,106,003	3,478,545
Rhode Island		18,415	
Connecticut		1,010,609	1,010,609
New York	564,267	4,586,870	5,151,137
New Jersey	1,215,126	1,654,234	2,982,292
Pennsylvania		112,932	
Delaware	506,476	364,179	1,862,872
Maryland		992,217	
Virginia	104,502	1,085,618	1,190,120
North Carolina	65,028	1,098,554	1,475,790
South Carolina	312,208		
Georgia	740,963	752,821	1,841,698
Florida	347,914		
Alabama	254,929	77,135	1,994,772
Mississippi	1,662,708		
Louisiana	2,694,227	351,226	3,045,453
Texas, Illinois, Missouri, Wisconsin, and Minnesota	525,928	166,711	692,639
Iowa		2,169,263	2,169,263
Washington	3,726,058	1,444,398	5,170,456
Oregon	3,638,815	368,415	4,007,230
California	25,232,688	9,787,907	35,020,595
Alaska	37,059,151	2,073,287	39,132,438
Total	83,300,312	30,560,823	113,861,135

Copies of the statistical bulletin, No. 1344, can be obtained from the Bureau of Fisheries, Department of Interior, Washington, D. C. The pack of the various fish products is shown in detail by variety and region.

"Industrial Market Data Handbook" Published

The new guidebook for American businessmen, "Industrial Market Data Handbook," containing vital information for establishing new sales territories, production quotas, and marketing campaigns, is now available for distribution. It can be secured for $2.50 a copy either from the Government Printing Office, Washington, D. C., or from any district office of the Bureau of Foreign and Domestic Commerce located in principal centers of the United States.

The handbook was prepared in the Department of Commerce. It contains complete figures on industrial production, employment, value of products, cost of material, fuel and power, and output per wage earner for each of the 3,070 counties in the United States, and similar data for every city of more than 10,000 population. The figures in the handbook pertain to 1935, the latest year in which information in this form is available.

SUGGESTED DEFINITIONS FOR CANNED PEACHES PUBLISHED

(Continued from page 5967)

important article of human food—called specif. *cane sugar*, *sucrose*, and *saccharose*. The chief sources of sugar are the sugar cane and the sugar beet, the completely refined products of which are identical and form granulated sugar, loaf sugar, etc., of commerce. The cane juice obtained by expression, is treated with lime to remove impurities, filtered and evaporated to crystallization. The mother liquor, or molasses, is removed by draining or (now usually) by a centrifugal. The crude yellowish or brown sugar thus obtained is usually refined at central plants by redissolving, clarifying, decolorizing, and recrystallizing. In the case of beets the sugar is removed by extraction with water (diffusion) and carried to the refined state in one operation. Crude cane sugar is often sold as brown sugar, but crude beet sugar has an unpleasant flavor. Some sugar is also made from palm trees, maple trees, etc. Sugar forms fine monoclinic crystals melting at 186° C. (367° F.), which dissolve in about half their weight of water at ordinary temperature. Chemically, it is a disaccharide of the formula $C_{12}H_{22}O_{11}$, formed by union of one molecule of dextrose with one of levulose. It does not reduce Fehling solution and does not ferment directly, but is converted by diastase (or by heating with acids) into the fermentable mixture called *invert sugar*. It is dextrorotatory, a property which is used in estimating the strength of its solutions. Sugar is a food, and also serves as a condiment and preservative for other foods. See Food 1.

"2. By extension, any of a class of sweet, soluble compounds comprising the simpler carbohydrates. See Carbohydrate. The simple sugars, those not decomposable by hydrolysis, are called *monosaccharides*. Complex sugars are formed by the condensation of two, three, or four molecules of simple sugar and are called *disaccharides*, *trisaccharides*, and *tetrasaccharides*. For the structure and classification of simple sugar, see Monosaccharide. Among the important natural sugars are *sucrose* (See def. 1), or *cane sugar*, *dextrose* (d-*glucose*), or *grape sugar*, *levulose* (d-*fructose*), or *fruit sugar*, *lactose*, or *milk sugar*, and *maltose*, or *malt*

sugar. Some of these, and also many others, have been made synthetically."

13. Prior to the hearing, a letter was addressed to the Secretary of Agriculture asking for a definition of the word "sugar" as used in the proposal, which letter was answered under the signature of the Secretary of Agriculture, which answer reads as follows and is Other Interested Parties' Exhibit No. 2:

"We have your letter of March 30 referring to proposals for food standards to be considered at public hearings on April 10, 1939. You inquire as to our interpretation of the words 'Water solution of sugar, of 25° Brix or more' and 'Water solution of sugar, of less than 25° Brix' as used in these proposals.

"The word 'sugar' as used therein refers to sugar as defined in the current advisory definition and standard of identity for sugar under the present Food and Drugs Act, which you will find on page 11 of the enclosed F.D. 2, definition 1, under 'A. Sugar and Sugar Products.' These are merely proposals. The final standards will be based on evidence adduced at the public hearing and any interested party is, of course, invited to submit proposals for other packing mediums."

14 In S.R.A., F.D. No. 2, Rev. 5 (Other Interested Parties' Exhibit No. 2), under "Sugars and Related Substances", the following appears:

"A. *Sugar and sugar products.*—1. *Sugar.* Sucrose (saccharose) obtained chiefly from sugarcane and sugar beets. Granulated, loaf, cut, milled, and powdered sugars are different forms of sugar, containing at least 99.5 percent of sucrose."

Under "B. Dextrose and Related Products", the following appears:

"1. *Dextrose.* The product chiefly made by the hydrolysis of starch or a starch-containing substance, followed by processes of refining and crystallization.[6]

"*a.* Anhydrous dextrose contains not less than 99.5 percent of dextrose and not more than 0.5 percent of moisture.

"*b.* Hydrated dextrose contains not less than 90 percent of dextrose and not more than 10 percent of moisture, including water of crystallization.

"[6] When derived from cornstarch, dextrose is known commercially as refined corn sugar."

15. Starch is a polysaccharide. Sucrose is a disaccharide. Dextrose and levulose are monosaccharides. (C.R. p. 32.)

16. Polysaccharides such as starch have a higher caloric value per gram than the disaccharides such as sucrose, and the disaccharides have a higher caloric value per gram than the monosaccharides such as dextrose and levulose. (C.R. p. 32.)

17. By the dictionary definition, the simple sugars, monosaccharides, are not decomposable by hydrolysis. (C.R., Other Interested Parties' Exhibit No. 4.)

18. Sugar, as described in the Encylopedia Britannica on page 523 (C. R., Other Interested Parties' Exhibit No. 5), applies to over 100 substances, having distinctive properties and scientific names; for examples, sucrose, glucose, fructose, lactose, maltose, etc.

19. "As ordinarily understood, of course, by chemists, and physiologists, sugar is just one of the breakdown products of two other large nutritive ingredients, namely, ordinary starch from plants, and starch from animals. Now as they are digested or hydrolized, you get ultimately a double sugar, nutritively it is like cane sugar, or beet sugar, and then when they are inverted, further changed into the form that they are absorbed and actually utilized in the body, we have dextrose and levulose, so that beginning with starch you have the double sugars, maltose and fructose, and then you have the simple sugars, which is the ultimate product.

"There are other forms of sugars that can be utilized by various bacteria, but not by man." (Carlson, p. 159.)

20. Crystalline dextrose manufacture was made commercially possible in 1923 by the granting of the Newkirk patents (October 23, 1923; September 16, 1924; January 6, 1925) on corn starch hydrolysis and the economical separation of high purity dextrose from the converter liquors. (Other Interested Parties' Exhibit No. 3.)

21. Not until 1926 was chemically pure dextrose accepted by the United States Pharmocopoeia. (Other Interested Parties' Exhibit No. 3.)

22. Not until 1930, when the Secretary of Agriculture ruled that refined dextrose (corn sugar) could be used in the manufacture of food products without label declaration, was the utilization of dextrose by canners, preservers, beverage manufacturers and allied food industries seriously considered. (Other Interested Parties' Exhibit No. 3.)

23. In 1930, the Secretary of Agriculture ruled:

"Corn sugar (dextrose) when sold in packages must be labeled as such; when sold in bulk must be declared as such; but the use of pure refined corn sugar as an ingredient in the packing, preparation, or processing of any article of food in which sugar is a recognized element need not be declared upon the label of any such product.

"Nothing in this ruling shall be construed to permit the adulteration or imitation of any natural product such as honey by the addition of any sugar or other ingredient whatever.

"The term 'sugar,' with or without the parenthetical expression 'sucrose,' as used in the definitions to designate the sweetening agent in manufactured food products, is to be interpreted, wherever necessary to effect the purpose of the foregoing decision, as including dextrose (pure, refined corn sugar)."

24. The great bulk of consumers regard "sugar" as the common or usual name of sucrose, i. e., cane or beet sugar. (R. pp. 53, 132, 177, 350, 360, 397, 404, 416, 424, 442, 453, 461, 465, 472.)

25. Within the past 3½ years, refined corn sugar (dextrose) has been used in the canning of peaches. (R. p. 275.)

26. Prior to that time, cane or beet sugar (sucrose) was the only sugar used in the canning of peaches. (R. pp. 199-200, 275-276, 369, 400, 422, 442, 472); (Other Interested Parties' Exhibits Nos. 3 and 8.)

27. The simple sugar, dextrose, is now obtainable by hydrolysis from corn starch; is called "refined corn sugar"; and is now used in combination with cane or beet sugar (sucrose) in a water solution as a liquid packing medium for canned peaches. (R. pp. 199-200, 258, 275); (Other Interested Parties' Exhibits Nos. 3 and 4.)

28. Refined corn sugar (dextrose) and cane or beet sugar (sucrose) differ in sweetness, in food value, in manner of absorption, in solubility, and their solutions differ in viscosity, in osmotic pressure, and in boiling temperature. (R pp. 66-67, 174-175, 177, 257, 260-261, 265, 333-345, 347, 370-371, 398, 427, 499-500, 513-517); (C. R. pp. 21, 22, 52, 53, 54, 55, 57); (Other Interested Parties' Exhibit No. 3.) A water solution of refined corn sugar (dextrose) as the liquid packing medium cannot be used alone in the canning of peaches. The maximum amount of refined corn sugar (dextrose) which has been so used for commercial purposes, in combination with cane or beet sugar (sucrose), is 33⅓% refined corn sugar (dextrose) and 66⅔% cane or beet sugar (sucrose) or cane and

beet sugar (sucrose). (R. pp. 199-200, 258, 275.) Refined corn sugar (dextrose) is not as sweet as cane or beet sugar (sucrose), being generally regarded as from 50% to 75% as sweet as cane or beet sugar (sucrose). (R. pp. 66-67, 174-175, 217, 260-261, 499-500, 513-517.) Consumers are accustomed to guage sweetness according to that of cane or beet sugar (sucrose) (R. p. 218).

29. Refined corn sugar (dextrose) sells on the open market at a cheaper price than cane or beet sugar (sucrose). (R. pp. 189, 239.)

30. Another sugar, refined corn sugar (dextrose), is now used in the canning of peaches as well as cane sugar and beet sugar (sucrose), and it will promote honesty and fair dealing in the interest of consumers to differentiate between the kinds of sugars used in preparing the liquid packing medium of canned peaches. (R. pp. 66-67, 398, 406, 424, 427, 437, 471, 492.)

31. A label statement of the origin of such sugars used in preparing such liquid packing medium will promote honesty and fair dealing in the interest of the consumer. (R. pp. 424, 492.)

32. The use of the qualifying words "cane sugar", "beet sugar", followed by their chemical name "sucrose", and "refined corn sugar", followed by its chemical name "dextrose", will promote honesty and fair dealing in the interest of the consumer. (R. pp. 41, 42, 57, 58, 71, 100, 102, 120, 121, 132, 163, 229, 239, 404, 425, 450, 453); (C.R. pp. 67-69.)

33. A water solution of sugar is used not only as a liquid packing medium but also as a sweetening agent. (R. pp. 72, 163, 172, 174, 175, 231, 256.)

34. Such sweetening agent is called sirup. (R. pp. 71, 120.)

35. There are four water solutions of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) known as sirups to consumers and used in the industry, to-wit: light, medium, heavy, and extra heavy. (R. pp. 120, 121, 126, 131, 229, 297, 425.) It is a customary trade and consumer practice so to distinguish them. (R. pp. 41, 61, 131, 229, 424.) Such sirups are measured and distinguished by their specific gravity as determined by the Brix hydrometer. The Brix hydrometer is a reliable instrument for testing specific gravity of liquid solutions and is in general use. (R. pp. 40, 136.) A water solution of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) which does not show a reading of 10° on the Brix hydrometer does not sweeten the finished canned peaches sufficiently to be known as a sirup for this food. (R. pp. 132, 135.)

36. When such sirups are prepared from cane or beet sugar (sucrose) or cane and beet sugar (sucrose), they have, respectively, the following readings on the Brix hydrometer: not less than 10° but less than 25°, not less than 25° but less than 40°, not less than 40° but less than 55°, and not less than 55°, but when such sirups of equivalent sweetness are prepared from a mixture of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) and refined corn sugar (dextrose), they do not have the above readings on the Brix hydrometer because of the difference in sweetness between refined corn sugar (dextrose) and cane or beet sugar (sucrose). However, the Brix reading of a sucrose sirup equivalent in sweetness to that of any such mixture is obtained by adding the percent by weight of cane or beet sugar (sucrose), or both, in such mixture to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution. Such calculated Brix readings (sucrose equivalents) are identical with the limits above set forth. (R. pp. 61, 71, 120, 121, 131, 132, 136, 138, 229.)

37. Due to the fact that in canned peaches which have been prepared with a liquid packing medium consisting of a water solution of cane or beet sugar (sucrose) or cane and beet sugar (sucrose), there will be present in addition to sucrose, due to inversion, levulose and dextrose and that in canned peaches which have been prepared with a liquid packing medium consisting of a water solution of a mixture of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) and refined corn sugar (dextrose), there will likewise be present sucrose, and due to inversion, levulose and dextrose, the consumer would have no way of telling, from an examination of the finished canned peaches, the optional sugar ingredient used. It will, therefore, promote honesty and fair dealing in the interest of the consumer to require a label statement of the optional sugar ingredient used in the preparation of the liquid packing medium. (R. p. 492.)

38. The common or usual names of such sirups are light sirup, medium sirup, heavy sirup, and extra heavy sirup, qualified by the name of the kind or kinds of sugar used to make such sirups. (R. pp. 41, 42, 57, 58, 71, 100, 102, 120, 121, 132, 163, 229, 239, 404, 425, 450, 458); (C.R. pp. 67-69.)

39. Canned peaches may or may not be seasoned. (R. pp. 29, 44, 45, 48, 93.)

40. Spice is a suitable seasoning agent. (R. pp. 44, 48, 92.)

41. Flavoring is a suitable seasoning agent. (R. pp. 44, 48, 92.)

42. A vinegar is a suitable seasoning agent. (R. pp. 44, 48, 92.)

43. Peach kernels are a suitable seasoning agent, except in the case of whole peaches. (R. pp. 44, 48, 62, 92, 123, 128, 129.)

44. Peach pits, in limited amounts, are a suitable seasoning agent. (R. pp. 44, 48, 92), except in the case of whole peaches. (R. p. 44.) The number of pits suitable for such purpose is limited to not more than one to each eight ounces of finished canned peaches. (R. pp. 45, 143, 144, 407, 408, 411, 416, 417, 422, 437, 441, 466, 467, 487, 488.)

45. Such seasoning agents are used singly or in combination, except that peach pits and peach kernels are not used in combination. (R. pp. 45, 92.)

46. It is essential that canned peaches be sealed in a container. (R. pp. 46, 48.)

47. It is essential to so process canned peaches by heat as to prevent spoilage. (R. p. 46.)

48. Honesty and fair dealing in the interest of the consumer requires that the optional peach ingredient, the optional liquid packing medium, and the optional seasoning ingredients be declared on the label. (R. pp. 46, 47, 48, 103, 104, 140, 191, 201, 210, 220, 238, 239, 259, 337, 338, 339, 349, 350, 351, 360, 367, 369, 370, 371, 398, 399, 401, 406, 415, 417, 419, 420, 421, 422, 424, 427, 433, 436, 437, 438, 442, 471, 484, 485, 492); (C.R. p. 59); (Other Interested Parties' Exhibit No. 8a.)

49. The common or usual names of the several varietal groups of peaches are yellow clingstone or yellow cling, yellow freestone or yellow free, white clingstone or white cling, and white freestone or white free. (R. pp. 31, 59, 60, 73, 80, 81, 100, 102, 107, 118, 119, 449, 457, 470.)

50. The common or usual name of peeled canned peaches is the name of the varietal group and form of unit, without qualifying words, except that "slices" and "sliced" are synonymous and "dice" and "diced" are synonymous. (R. pp. 35, 100, 102.)

51. The common or usual name of unpeeled canned peaches is the name of the varietal group and the name of the form of

unit, qualified by the term "unpeeled." (R. pp. 115, 127.)

52. The common or usual name of water is water. (R. pp. 41, 121.)

53. The common or usual name of the natural juice of the peach is peach juice. (R. pp. 48, 116, 128, 138, 139.)

54. The common or usual name of sucrose is sugar; and the common or usual name of dextrose is refined corn sugar (dextrose). (R. pp. 53, 61, 177, 215, 351, 367, 372, 373, 397, 398, 404, 416, 424, 461, 465, 510); (C. R. pp. 48, 49, 70); (Other Interested Parties' Exhibits Nos. 4, 5, and 8a.)

55. The common or usual name of spice used as a seasoning is spice. (R. pp. 46, 101, 102, 125.)

56. The common or usual name of flavoring used as a seasoning is flavoring. (R. pp. 46, 101, 102.)

57. The common or usual name of a vinegar used as a seasoning is vinegar. (R. pp. 46, 101, 102.)

58. The common or usual name of peach pit kernels used as a seasoning is peach kernels. (R. pp. 46, 103, 123.)

59. The common or usual name of peach pits used as a seasoning is peach pits. (R. pp. 46, 101, 102, 123, 415.)

60. Honesty and fair dealing in the interest of the consumer requires that when spices, flavoring, vinegar, peach pits, or peach kernels are used that the label bear the words "Spiced" or "With Added Spice" or "Spice Added," "With Added Flavoring" or "Flavoring Added," "With Added Vinegar" or "Vinegar Added," "Seasoned with Peach Pits," or "Seasoned with Peach Kernels," as the case may be; but if two or more of such optional ingredients are present, such words may be combined as, for example, "With Added Spice, Flavoring and Vinegar." In lieu of the words "Spice" or "Spiced" and "Flavoring," the common or usual name of the spice or flavoring may be used. (R. pp. 46, 47, 48, 103, 104, 140, 191, 201, 210, 220, 238, 239, 259, 337, 338, 339, 349, 350, 351, 360, 367, 369, 370, 371, 398, 399, 401, 406, 415, 417, 419, 420, 421, 422, 424, 427, 433, 436, 437, 438, 442, 471, 484, 485, 492); (C. R. p. 59); (Other Interested Parties' Exhibit No. 8a.)

61. Honesty and fair dealing in the interest of the consumer requires that wherever the name "peaches" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the names of the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the specific varietal name of the peaches may so intervene. (R. p. 47.)

SUGGESTED CONCLUSION IN THE FORM OF A REGULATION

Upon the basis of the foregoing findings of fact, the following reasonable definition and standard of identity for the food commonly known as canned peaches is hereby suggested to be promulgated as a regulation:

§ 27.000. *Canned peaches—Identity; label statement of optional ingredients.* (a) Canned peaches are the food prepared from mature peaches of one of the following varietal groups: yellow clingstone, yellow freestone, white clingstone, white freestone. Such peaches, except in the case of whole peaches, are pitted and are in one of the following forms of units: peeled whole; unpeeled whole; peeled halves; unpeeled halves; peeled quarters; peeled slices; peeled dice; peeled mixed pieces of irregular sizes and shapes. Peaches of each such varietal group in each such form of units are an optional peach ingredient. To one such ingredient is added one of the optional ingredients:

(33) A water solution of cane sugar (sucrose), of not less than 10° Brix but less than 25° Brix;

(34) A water solution of beet sugar (sucrose), of not less than 10° Brix but less than 25° Brix;

(35) A water solution of cane and beet sugar (sucrose), of not less than 10° Brix but less than 25° Brix;

(36) A water solution of cane sugar (sucrose), of not less than 25° Brix but less than 40° Brix;

(37) A water solution of beet sugar (sucrose), of not less than 25° Brix but less than 40° Brix;

(38) A water solution of cane and beet sugar (sucrose), of not less than 25° Brix but less than 40° Brix;

(39) A water solution of cane sugar (sucrose), of not less than 40° Brix but less than 55° Brix;

(40) A water solution of beet sugar (sucrose), of not less than 40° Brix but less than 55° Brix;

(41) A water solution of cane and beet sugar (sucrose), of not less than 40° Brix but less than 55° Brix;

(42) A water solution of cane sugar (sucrose), of not less than 55° Brix;

(43) A water solution of beet sugar (sucrose), of not less than 55° Brix;

(44) A water solution of cane and beet sugar (sucrose), of not less than 55° Brix;

(45) A water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 10° but less than 25° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(46) A water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 10° but less than 25° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(47) A water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 10° but less than 25° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(48) A water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 25° but less than 40° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(49) A water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 25° but less than 40° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(50) A water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 25° but less than 40° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(51) A water solution of cane sugar (sucrose) and refined

corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 40° but less than 55° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(52) A water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 40° but less than 55° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(53) A water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 40° but less than 55° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(54) A water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 55° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(55) A water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 55° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(56) A water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 55° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(57) Peach juice;

(58) Water.

The food may be seasoned with one or more of the optional ingredients:

(59) Spice;

(60) Flavoring;

(61) A vinegar;

(62) Peach pits (except in the case of whole peaches), not more than 1 to each 8 ounces of finished canned peaches;

(63) Peach kernels (except in the case of whole peaches and except when optional ingredient (62) is present). The food is sealed in a container and so processed by heat as to prevent spoilage. The liquid of the finished canned peaches is not more than 35° Brix.

(b) The label shall bear the words "Yellow Cling" or "Yellow Clingstone", "White Cling" or "White Clingstone", "Yellow Free" or "Yellow Freestone", "White Free" or "White Freestone", and the word or words "Whole" or "Unpeeled Whole", "Halves" or "Unpeeled Halves", "Quarters", "Slices" or "Sliced", "Diced", "Mixed Pieces of Irregular Sizes and Shapes"; naming the optional peach ingredient present. The label shall also bear the words "In Light Cane Sugar (Sucrose) Sirup", "In Light Beet Sugar (Sucrose) Sirup", "In Light Cane and Beet Sugar (Sucrose) Sirup", "In Light Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Light Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Light Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Medium Cane Sugar (Sucrose) Sirup", "In Medium Beet Sugar (Sucrose) Sirup", "In Medium Cane and Beet Sugar (Sucrose) Sirup", "In Medium Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Medium Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Medium Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Heavy Cane Sugar (Sucrose) Sirup", "In Heavy Beet Sugar (Sucrose) Sirup", "In Heavy Cane and Beet Sugar (Sucrose) Sirup", "In Heavy Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Heavy Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Heavy Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Extra Heavy Cane Sugar (Sucrose) Sirup", "In Extra Heavy Beet Sugar (Sucrose) Sirup", "In Extra Heavy Cane and Beet Sugar (Sucrose) Sirup", "In Extra Heavy Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Extra Heavy Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Extra Heavy Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Peach Juice", or "In Water", showing respectively the presence of optional ingredients (33), (34), (35), (36), (37), (38), (39), (40), (41), (42), (43), (44), (45), (46), (47), (48), (49), (50), (51), (52), (53), (54), (55), (56), (57), or (58), as the case may be. If optional ingredient (59), (60), (61), (62), or (63) is present, the label shall bear the words "Spiced" or "With Added Spice" or "Spice Added", "With Added Flavoring" or "Flavoring Added," "With Added Vinegar" or "Vinegar Added", "Seasoned with Peach Pits", or "Seasoned with Peach Kernels", as the case may be; but if two or more of such optional ingredients are present, such words may be combined, as for example, "With Added Spice, Flavoring and Vinegar". In lieu of the words "Spice" or "Spiced" and "Flavoring", the common or usual name of the spice or flavoring may be used. Wherever the name "Peaches" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peaches may so intervene.

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